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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

VIET NAM*

[29 May 1993]

1. The following information is provided in response to the concerns put forth by members of the United Nations Committee on the Rights of the Child relating to the levels of punishment applied to crimes committed by juveniles.

2. Article 59 of the Vietnamese Criminal Code provides that:

> 1. In any case of investigation, prosecution or judgement of criminal activities committed by juveniles, the State-authorized agencies have to determine whether the accused is dangerous to society, as well as the causes and the circumstances leading to the crimes.

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* The present document contains the additional information requested by the Committee on the Rights of the Child at its third session during the consideration of the initial report of Viet Nam (CRC/C/3/Add.4) on 19 and 20 January 1993 (see CRC/C/SR.59 to 61); see also the report of the Committee on the Rights of the Child (CRC/C/16, paras. 59-68).

GE.93-18109 (E)

2. In connection with juvenile delinquency, the Office of Supervision and Control and the courts mainly rely on measures of prevention and education whose implementation is actively carried out by schools and society.

3. The Institutes of Inspection can exempt juvenile delinquents from criminal responsibility and investigation if their crimes are not very serious, did not cause grave damage, had mitigating circumstances, and if they are put under the control and education of either their family or a social organization. Only in cases where the seriousness of the crime, the personal characteristics of the offender and the need to protect society so indicate can juvenile delinquents be tried and punished.

4. Neither life imprisonment not the death penalty is applied to juvenile delinquents. Concerning imprisonment for a certain duration of time, the courts have the liberty to decide on shorter penalties for juvenile delinquents than for adults. Juveniles are kept separately in prisons; neither bail nor supplementary punishment is applied to them.

5. Penalties given to persons under 16 years of age are not counted for defining recidivism.

It can be inferred from the above that the group of persons who are aged between 16 and 18 are exempted from being given life imprisonment and the death penalty once they are brought to court. However, we shall take note of the suggestions given by the Committee on other modes of punishment applied to juvenile delinquents.

3. Activities of the judiciary and the implementation of the law in Viet Nam during the last few years have shown that there is an imperative need to have more studies so as to come up with amendments to and perfect both the Criminal Code and the Code of Criminal Procedure in relation to juveniles. State officials in charge of executive matters and judges who are responsible for trials of juvenile delinquents have received education in the Convention on the Rights of the Child. We welcome and are ready to discuss in detail any kind of assistance project for Viet Nam in this field which the Committee might have in mind.

4. We would also like to report that, with the assistance of Radda Barnen, an international seminar on Viet Nam's laws concerning juvenile delinquency took place in May 1993.

5. Previously, in February 1993, the Standing Committee of the National Assembly of Viet Nam decided to set up a drafting committee on the new Criminal Code and a similar one on the new Code of Criminal Procedure. It is hoped that these two drafting committees will take into account provisions of the Convention on the Rights of the Child, as well as those of other international instruments, with a view to protecting those children who are deprived of the right to freedom.

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